

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAKOTA LONE WOLF,

Petitioner,

Civil No. 02-804-JE

v.

ORDER

R.O. LAMPERT, Superintendent
Snake River Correctional Institution,

Respondent.

HAGGERTY, Chief Judge:

The Magistrate Judge Jelderks issued a Findings and Recommendation in this action [87], in which the Magistrate Judge recommended that petitioner's Petition for Writ of Habeas Corpus [1] should be denied. Petitioner filed objections [88], objecting to the findings that petitioner knowingly and voluntarily waived his right to effective counsel and that the trial court made an adequate inquiry into petitioner's motion for substitute counsel. Petitioner contends that the recommendation erred in failing to consider whether the trial court sufficiently inquired into the grounds for petitioner's motion to substitute counsel before denying the motion, as required by the Ninth Circuit. *Daniels v. Woodford*, 428 F.3d 1181, 1197-98 (9th Cir. 2005).

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a Magistrate Judge. 28 U.S.C. § 636(b)(1). When a party objects to the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Petitioner's objections were filed in a timely manner. The court has given this case a *de novo* review, and has also carefully evaluated the Magistrate's Findings and Recommendation, the objections, and the entire record. Magistrate Judge Jelderks provided a thorough analysis of the facts and circumstances regarding the trial court's denial of petitioner's motion for substitute counsel and petitioner's waiver of his right to effective counsel, including a careful review of the record and relevant federal law. That analysis need not be repeated here. Magistrate Judge Jelderks' recommendation is sound, correct, and entitled to adoption.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [87] is ADOPTED. Petitioner's Petition for Writ of Habeas Corpus [1] is DENIED

IT IS SO ORDERED.

Dated this 22 day of September, 2006.

/s/Ancer L.Haggerty

ANCER L. HAGGERTY
United States District Judge